## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No. 10/607,117  Filed: June 26, 2003  For: PROCESS FOR MAKING 2-AMINO-5-CYANTHIAZOLE  Art Unit:	

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

## INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

Sir:

- 1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
- 2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
- 3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
- 4. Pursuant to the waiver by the Office of the requirement under 37 CFR 1.98 (a)(2)(i) dated July 11, 2003, if the filing date of this application is after June 30, 2003, copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

## INFORMATION DISCLOSURE STATEMENT

RELATED APPLICATION
are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:
by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120
5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited

	RELATED AP	PLICATION
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE
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If this is inconvenient, additional copies will be submitted upon re	equest.	
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6. In accordance with 37 C.F.R. 1.97, (check one)		
the attached information is filed within three months of the file	ing date of the captioned case	•

	6. In accordance with 37 C.F.R. 1.97, (check one)
	the attached information is filed within three months of the filing date of the captioned case.
$\checkmark$	the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
	the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R.
	1.17(p). the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.

 $\star$  The Japanese patent, JP 09169748, is summarized in the abstract that is listed as the third reference on the Non Patent Literature Documents form, and a copy of which is attached herein.

> Respectfully submitted, By: Dianne Brown <u>Attorney</u> For Applicant(s) Reg. No. 42,068 MERCK & CO., INC. Patent Dept., RY60-30 P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594-1249

Computer generated form "IDS Letter" (IDS Folder), Merck & Co., Inc., 08/11/2003

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	Substitute for form 1449	APTO		COMPLETE IF KNOWN		
	INFORMAT	TION DI	SCLOSURE	Application Number	10/607,117	
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CORP. C. COLOR ST. CO. C.	U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent Document	Kind Code known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	
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	FOREIGN PATENT DOCUMENTS						
Examiner	Foreign Patent Document uner Cite Name of Patentee or Applicant		Name of Patentas or Applicant	Date of Publication of			
Initials*	No.	Office	Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	
		PCT	WO 01/17995		Merck & Co., Inc.	03/15/2001	
		PCT	WO 02/45652		Merck & Co., Inc.	06/13/2002	
		JР	09169748*		M. Shiono et al.	06/30/1997	
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Examiner Signature		Date Considered	

<sup>\*</sup>Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Approved for use through 7/31/2006. OMB 0651-0031
SUBSTITUTE for PTO/SB/08A (08-03), Information Disclosure Statement by Applicant
Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE

Substitute for form 1449B/PTO	COMPLETE IF KNOWN		
INFORMATION DISCLOSURE	Application Number	10/607,117	
STATEMENT DV ADDI ICANT	Filing Date	June 26, 2003	
O STATEMENT BY APPLICANT	First Named Inventor	M. Zhao et al.	
NOV 1 4 2003 1.	Group Art Unit		
(use as dany sheets as necessary)	Examiner Name		
Sheet ade 2 of 2	Attorney Docket Number	21133	

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.			
		P. Piazzi et al., Il Farmaco, 44 (11) 1011-30, 1989.			
		Borthwick et al., J. Chem. Soc. Perkin Trans., 1, 2769-2772, 1973.			
		*Shiono, M., "Process for preparation of 2-aminothiazole-5-carbonitrile derivatives by cyclization", 1997.			
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Examiner Signature	Date Considered	

<sup>\*</sup>Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.